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10/084,856	02/27/2002	Douglas U. Mennie	247171-000373USD1	6222
41230 7590 06/14/2011 CUMMINS-ALLISON CORP. C/O NIXON PEABODY LLP 300 S. Riverside Plaza 16th Floor CHICAGO, IL 60606				
EXAMINER				
SWARTZ, JAMIE H				
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3684				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/084,856

**Applicant(s)**

MENNIE ET AL.

**Examiner**

JAMIE SWARTZ

**Art Unit**

3684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 271-281 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 271-281 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status***

1. This action is in response to the amendment filed on April 11, 2011. Claims 271-281 are pending. Claims 271, 275, and 278 are amended. Claim 281 has been added.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 217-280 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments were filed with the April 11, 2011 response.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 272-274, 276, 277 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 272-274, recite the limitation "the storage medium for storing monetary value." Claim 271 merely states "storing to said card a monetary value." The claim does not support a storage medium and further never says that a value is stored on the card. The claim merely states that a value is stored to a card. There is insufficient antecedent basis for the "storage medium for storing monetary value" limitation in the claim.

6. Claims 276, 277 recite the limitation "said storage medium." Claim 275 merely states "storing to a card." The claim does not support a storage medium and further never says that a value is stored on the card. The claim merely states that a value is stored to a card. There is insufficient antecedent basis for the "storage medium for storing monetary value" limitation in the claim

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 271, 275-280 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molbak et al. (US 5620079 A) in view of Deerfield (February 1996) in further view of Ristvedt et al. (US 4966570 A).

9. Regarding claims 271, 275, and 278, Molbak teaches a method of redeeming currency from a customer at a self-service machine (col. 2, lines 40-65). Molbak teaches receiving, in a bulk coin receptacle located in a first region of the self-service machine, randomly oriented bulk coins input by said customer (See at least Fig. 1). Molbak teaches moving the coins from the bulk coin receptacle in the first region of the self-service machine to a coin separation module in a second region of the self-service

machine (See at least Fig. 2). Molbak teaches discriminating, using at least one coin discrimination device disposed downstream of the coin separation module, each coin in the stream of coins to determine whether it is a valid coin (see at least Fig 4). Molbak teaches determining a total value of the valid coins (see at least Fig. 4). Molbak teaches storing to a monetary value that is related to a total value (col. 6, lines 6-20, col. 2, lines 30-60). Molbak teaches and dispensing from the self-service machine a tangible instrument with the value (col. 4, line 59 – col. 5, line 2). Molbak teaches giving the customer an option of receiving a cash voucher or donating a portion or all to a charity. Molbak does not specifically teach selecting a card from a plurality of cards. However, Deerfield teaches selecting a card from a plurality of cards that are not associated with any value and storing on a magnetic or solid-state storage medium of a card a monetary value (pg. 1-2). This known technique is applicable to the system of Molbak as they both share characteristics and capabilities, namely, they are directed to currency accepting kiosks that both dispense items of monetary value. One of ordinary skill in the art would have recognized that applying the known technique of Deerfield would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Deerfield to the teachings of Molbak would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such card vending features into similar systems. Further, applying the ability to purchase a card through the kiosk of Molbak would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow the users of Molbak to receive a

more robust document for the storage of their currency and not merely a paper voucher. A card voucher would allow the funds to be carried more security. Molbak does not specifically teach that the coins are in a single file stream. However, Ristvedt teaches separating the coins into a single-file stream of coins using the coin separation module (abstract). This known technique is applicable to the system of Molbak as they both share characteristics and capabilities, namely, they are directed to coin collecting and sorting devices. One of ordinary skill in the art would have recognized that applying the known technique of Ristvedt would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Ristvedt to the teachings of Molbak would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such coin sorting features into similar systems. Further, applying the ability to separate coins into a single file stream to Molbak would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow the coins of Molbak to more easily be validated while minimizing the risk of clogging the coin sorter.

10. Regarding claim 276 and 279, Molbak teaches storing a value of bulk coins on a voucher. Molbak does not specifically teach putting that value on a card. However, Deerfield teaches wherein said card has stored on said storage medium a monetary value related to said total value on said one card (pg. 1-2). This known technique is applicable to the system of Molbak as they both share characteristics and capabilities,

namely, they are directed to currency accepting kiosks that both dispense items of monetary value. One of ordinary skill in the art would have recognized that applying the known technique of Deerfield would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Deerfield to the teachings of Molbak would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such card vending features into similar systems. Further, applying the ability to purchase a card through the kiosk of Molbak would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow the users of Molbak to receive a more robust document for the storage of their currency and not merely a paper voucher. A card voucher would allow the funds to be carried more security.

11. Regarding claim 277 and 280, Molbak teaches storing a value of valid bulk coins on a voucher. Molbak does not specifically teach putting that value on a card. However, Deerfield teaches wherein said card has stored on said storage medium account information related to an account to which said total value is associated on said one card (pg. 1-2). This known technique is applicable to the system of Molbak as they both share characteristics and capabilities, namely, they are directed to currency accepting kiosks that both dispense items of monetary value. One of ordinary skill in the art would have recognized that applying the known technique of Deerfield would have yielded predictable results and resulted in an improved system. It would have been recognized

that applying the technique of Deerfield to the teachings of Molbak would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such card vending features into similar systems. Further, applying the ability to purchase a card through the kiosk of Molbak would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow the users of Molbak to receive a more robust document for the storage of their currency and not merely a paper voucher. A card voucher would allow the funds to be carried more security.

12. Claim 272 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molbak et al. (US 5620079 A) in view of Deerfield (February 1996) in further view of Ristvedt et al. (US 4966570 A) in further view of Avnet et al. (US 5291003 A).

13. Regarding claim 272, Molbak teaches a method of redeeming currency from a customer at a self-service machine, including coins, and checking the validity of the currency. Molbak does not specifically teach the use of a credit card on the machine. However, Avnet teaches receiving a credit card in a card module of the self-service machine; accessing, using a communication device, an account associated with the credit card; deducting a specified amount from a line of credit associated with said credit card; and adding to said total value of the bulk coins the specified amount prior to the act of dispensing the card having the storage medium for storing the monetary value that is related to said total value (col. 1, line 60 – col. 5, line 40). The combination of



Molbak and Deerfield teach unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means. Avnet teaches unattended machines for dispensing or vending products and services and more specifically relates to the field of dispensing machines that permit access using a plurality of payment means including data cards. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Molbak and Deerfield to include the payment uses of a credit card. As well as convenient, accessible credit, credit cards offer consumers an easy way to track expenses, which is necessary for both monitoring personal expenditures and the tracking of work-related expenses for taxation and reimbursement purposes. Credit cards are accepted worldwide, and are available with a large variety of credit limits, repayment arrangement, and other perks (such as rewards schemes in which points earned by purchasing goods with the card can be redeemed for further goods and services or credit card cash back). Some countries, such as the United States, the United Kingdom, and France, limit the amount for which a consumer can be held liable due to fraudulent transactions as a result of a consumer's credit card being lost or stolen. The use of credit cards is secure and time efficient.

14. Claim 273 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molbak et al. (US 5620079 A) in view of Deerfield (February 1996) in further view of Ristvedt et al. (US 4966570 A) in further view of Mays et al. (US 5547062 A) in further view of Ramsey et al. (US 5842188 A).

15. Regarding claim 273, the combination of Molbak and Deerfield teach accepting currency and dispensing a card with the total input value. The combination does not specifically teach a bill validation module. However, Mays teaches receiving at least one bill in a bill module of the self-service machine; discriminating, using at least one bill discrimination device, the at least one bill to determine whether it is a valid bill; determining a value of the at least one bill (col. 3, line 45 – col. 4, line 5). Mays teaches a bill validation module for a vending machine or kiosk. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Molbak and Deerfield to include the payment uses of a bill. Depending on the type of purchase to be made a person may not carry enough change on them. Having the option of using a bill allows the user a greater flexibility in the type of currency used to purchase an item. The combination of Molbak and Deerfield do not specifically teach a combination purchase using bills and coins. However, Ramsey teaches adding to said total value of the bulk coins the value of the at least one bill for storing the monetary value that is related to said total value (see at least abstract). Though the invention is directed towards purchasing gas there is a portion of the invention which discloses purchasing items also from the pump. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Molbak, Deerfield, and Mays to include the details of a combination of coin and bills. Allowing a customer to use coin and bills allows for exact change and doesn't require the individual to carry a lot of loose change. Especially when related to a high cost item.

16. Claim 274 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molbak et al. (US 5620079 A) in view of Deerfield (February 1996) in further view of Ristvedt et al. (US 4966570 A) in further view of Avnet et al. (US 5291003 A), in further view of Mays et al. (US 5547062 A) in further view of Ramsey et al. (US 5842188 A).

17. Regarding claim 274, the combination of Molbak and Deerfield teach accepting currency and dispensing a card with the total input value. The combination does not specifically teach a bill validation module. However, Mays teaches receiving at least one bill in a bill module of the self-service machine; discriminating, using at least one bill discrimination device, the at least one bill to determine whether it is a valid bill; determining a value of the at least one bill (col. 3, line 45 – col. 4, line 5). Mays teaches a bill validation module for a vending machine or kiosk. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Molbak and Deerfield to include the payment uses of a bill. Depending on the type of purchase to be made a person may not carry enough change on them. Having the option of using a bill allows the user a greater flexibility in the type of currency used to purchase an item. The combination of Molbak and Deerfield do not specifically teach a combination purchase using bills and coins. However, Ramsey teaches adding to said total value of the bulk coins the value of the at least one bill for storing the monetary value that is related to said total value (see at least abstract). Though the invention is directed towards purchasing gas there is a portion of the invention which discloses purchasing items also

from the pump. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Molbak, Deerfield, and Mays to include the details of a combination of coin and bills. Allowing a customer to use coin and bills allows for exact change and doesn't require the individual to carry a lot of loose change. Especially when related to a high cost item.

18. Claim 281 is rejected under 35 U.S.C. 103(a) as being unpatentable over Molbak et al. (US 5620079 A) in view of Deerfield (February 1996) in further view of Ristvedt et al. (US 4966570 A) in further view of Official Notice.

19. Regarding claim 281, the combination of Molbak, Deerfield, and Ristvedt teach a stored card value system that stores a monetary value for a future purchase. The combination of Molbak, Deerfield, and Ristvedt do not specifically teach a grocery store account. However, Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the stored value card to be related to a grocery store account. The Deerfield reference teaches a card that is used at a specific location (in this case a Laundromat). Using that same technology for the purchase of groceries would have been obvious to one of ordinary skill at the time of the invention. One of ordinary skill in the art would have recognized that applying the known technique of allowing the cards to be associated with a grocery store account would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of having a card associated with a grocery

store account to the teachings of Molbak, Deerfield, and Ristvedt would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such smart card functionality into similar systems. Further, applying a grocery store account stored on the card to Molbak, Deerfield, and Ristvedt would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow a multifunctional usage of the smart card. Further it was known in art at the time of the invention for smart cards to have multiple purchasing usage.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE SWARTZ whose telephone number is (571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Dunham can be reached on (571)272-8109. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUSANNA M. DIAZ/  
Primary Examiner, Art Unit 3684

/J. S./  
Examiner, Art Unit 3684